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RUEHCV/AMEMBASSY CARACAS PRIORITY 0225  
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RUEHQT/AMEMBASSY QUITO PRIORITY 1088  
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SUBJECT: SUPREME COURT PRESIDENT MOVES ON JUSTICE CORRUPTION

REF: LIMA 119

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11. (SBU) Summary: In one of several early moves to clean up the judiciary, the Office of Control of Magistrates (OCMA) in early February suspended Lima Superior Court President Angel Romero. The action was a promising first step in fulfilling the promise Supreme Court President Francisco Tavera made at his January inauguration to battle judicial corruption and represented a continuation of efforts he launched when he headed the OCMA. For his part, President Garcia continues to criticize high-handed and sometimes "illogical" court rulings that undermine the integrity of the judicial system. Few doubt that Tavera is serious about cleaning up the tarnished judiciary, but anti-corruption efforts are only one element of badly-needed judicial reforms. Prospects for broader reform may be brighter but are still very cloudy. End Summary.

12. (U) There are early signs that the government is serious about cleaning up the judiciary. Among the most meaningful was OCMA's February 9 decision to suspend and investigate Angel Romero for "illegal acts" he committed as judge before becoming Lima Superior Court President in January. Specifically, Romero was sanctioned for awarding a multimillion dollar indemnity to a group of former Central Bank employees, even though the Constitutional Tribunal had ruled against the employees; Garcia had ridiculed the decision at Tavera's inauguration on January 3 (see reftel). Four other lower court judges were also suspended for making questionable rulings that smack of corruption. (Tavera, as President of the Judiciary, indirectly supervises the OCMA.)

13. (SBU) Romero was low-hanging fruit: press reports have detailed allegations of corruption dating to Romero's work as a private attorney for a consortium of casinos. In 2002, a legal decision allowed select casinos to operate slot machines and to avoid paying taxes on the profits. Romero was accused of buying that decision. Tavera, by contrast, earned a reputation for integrity at the OCMA and showed a willingness to suspend and investigate crooked judges. Tavera's work in the OCMA laid the groundwork for the Romero suspension, and Tavera has kept in close contact with his successor, Elcira Vasquez, to insure reform continues. For his part, Garcia has not let up on his public campaign to denounce outrageous and "illogical" legal rulings and has

made it clear that the government intends to crack down on casinos and hold the Supreme Court accountable for corrupt judges.

14. (U) While anti-corruption successes are an essential prerequisite for broader judicial reform, kicking out crooked judges is not enough. Genuine reform costs money and will require political support. Tavera on February 20 said publicly he needed 80 million soles (approximately USD 23 million) to hire more prosecuting attorneys or face the possibility of allowing criminals to go free. In a meeting with Emboffs March 9, Tavera emphasized that the biggest obstacle to reform was lack of financial resources. He said the GOP has the money, but the president has not made the commitment to make that money available to the judiciary. Ombudsman Beatriz Merino made the same point to Emboffs February 21. She said the central government is running a surplus, but she is not sure if Tavera will receive the support he needs. According to Merino, significant pockets of corruption remain in the judiciary and will resist any attempt to end lucrative and steady sources of income. She suspects some judges will simply wait out Tavera's two-year term.

15. (SBU) Comment: A poll released by the University of Lima March 8 showed 92 per cent of Lima's citizens believe government institutions are corrupt, with the judiciary ranked as the most corrupt. To regain credibility for the judicial system, Tavera will need to continue the clean-up operations, but financial resources, along with political backing, will be necessary to sustain genuine reform. Doubters point out that Tavera's base of support is shaky: he was elected President only after multiple votes in the Supreme Court, and he admits that he is not close to Garcia.  
End Comment  
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